

CHAPTER 12.

LEGAL PRACTITIONERS (DISCIPLINARY COMMITTEE).

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FIRST SCHEDULE.

SECOND SCHEDULE.

CHAPTER 12.

LEGAL PRACTITIONERS (DISCIPLINARY
COMMITTEE).

24 of 1938. **An Ordinance to make provision for the establishment of a Disciplinary Committee to inquire into allegations of professional misconduct made against Legal Practitioners.**

[24TH NOVEMBER, 1938.]

Short title. 1. This Ordinance may be cited as the Legal Practitioners (Disciplinary Committee) Ordinance.

Definition. 2. In this Ordinance—
“legal practitioner” means a person for the time being authorised by and according to law to appear and act as a barrister and solicitor of the Supreme Court.

Establishment of Legal Practitioners Disciplinary Committee. 3. (1) There shall be established for the purposes of this Ordinance a legal practitioners disciplinary Committee (hereinafter referred to as “the Committee”) consisting of—

(a) the Attorney General and the Solicitor General *ex officio*; and

(b) three unofficial members being legal practitioners nominated by the Sierra Leone Bar Association.

Attorney General to be Chairman of Committee. (2) The Attorney General shall be Chairman of the Committee and shall preside at all meetings at which he is present. In the absence of the Attorney General from any meeting the Solicitor General shall be Chairman at that meeting.

Quorum. (3) Three members of the Committee, of whom one shall be an official member, shall constitute a quorum.

Appointment and duties of secretary of Committee. (4) (a) The Master of the Supreme Court shall be Secretary of the Committee.

(b) Any application to require a legal practitioner to answer allegations of misconduct shall be made to the secretary of the Committee and shall be referred by him to the Attorney General.

(c) The secretary shall inform anyone desiring to submit a complaint against a legal practitioner of the method of so doing and shall if required give to the person advice as to the form in which complaints shall be made.

(d) The secretary shall require any person who makes allegations of misconduct against any legal practitioner to support such allegations by an affidavit setting out the facts on which he relies as to proof of the misconduct.

(e) The secretary shall attend every meeting of the Committee and shall perform such duties in connection with the proceedings of the Committee as may be assigned to him by the Attorney General.

4. Every unofficial member shall hold office for twelve months from the date of his nomination and shall be eligible for re-nomination any number of times.

Duration of office of unofficial members.

5. If any unofficial member be temporarily absent from Sierra Leone or be incapable of exercising the functions of his office from illness or any other reason whatsoever, the Committee shall request the Sierra Leone Bar Association to nominate and the Sierra Leone Bar Association shall nominate a legal practitioner to act as a temporary unofficial member until such unofficial member shall return or be again capable of exercising the functions of his office or until the expiration of his period of office, whichever first occurs.

Nomination of temporary unofficial member.

6. No legal practitioner shall be eligible for nomination as an unofficial member or temporary unofficial member unless he has been for at least ten years a member of one of the professions admitted to practice in the Supreme Court.

Required professional standing of unofficial members.

7. The Committee, with the concurrence of the Chief Justice, may from time to time make rules for regulating the making, hearing and determining of applications to the Committee.

Power to make rules.

8. Any question before the Committee shall be decided by a majority of votes, and the Chairman of the meeting shall, in addition to his own vote as a member of the Committee, have a casting vote in cases where the votes of the members are equally divided.

Questions to be decided by opinion of majority.

9. The Attorney General may at any time convene a meeting of the Committee for the purpose of enquiring into any allegation of professional misconduct made against a legal practitioner:

Power of Attorney General to convene meetings of Committee.

Provided always that the Attorney General shall not convene a meeting to enquire into any allegation which in his opinion is frivolous, vexatious or without substance.

Attorney General to fix times and places for meetings of committee.

10. Meetings of the Committee shall be held in private at such times and places as the Attorney General shall fix.

Reception of evidence at inquiry by the committee.

11. The Committee may in the course of their inquiry hear such witnesses and receive such documentary evidence as in their opinion may assist them in coming to a conclusion as to the truth or otherwise of the allegations of professional misconduct which form the subject matter of their inquiry.

Appearance before committee of accused legal practitioner.

12. The Committee shall give the legal practitioner whose conduct is the subject matter of the inquiry an opportunity to appear before them for the purpose of meeting the charges made against him. The legal practitioner shall be furnished with a copy of such charges together with a copy of the affidavit made under the provisions of section 3 (4) (d), and he shall also be furnished with copies of any other relevant documents or be given an opportunity of inspecting them not less than seven days before the date fixed for the inquiry.

Evidence on oath.

13. The Committee shall require any witness appearing before them to give his evidence on oath, and the chairman of the meeting is hereby empowered to administer oaths for that purpose.

False evidence or false statement in affidavit deemed to be perjury.

14. Any person who wilfully gives false evidence on oath before the Committee during the course of an inquiry under this Ordinance or who wilfully makes a false statement in an affidavit sworn for the purposes of any such inquiry shall be deemed to be guilty of perjury.

Power to summon witnesses and order production of documents.

15. If during the course of an inquiry under this Ordinance the Committee is of the opinion that the evidence of any person or the production of any document is necessary for the purposes of the inquiry, the Attorney General or the Solicitor General may issue a summons under his hand directing the person therein named to attend at the time and place therein mentioned to give evidence or to produce the documents therein specified or to do both. Such summons shall be in the form set out in the First Schedule or to the like effect.

Disobedience to summons and refusal to give evidence punishable.

16. If any person upon whom a summons has been served under the provisions of the last preceding section refuses or omits without sufficient cause to attend at the time and place mentioned in the summons, or refuses without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence

of the Committee, or refuses or omits without sufficient cause to produce any documents in his possession or under his control which are mentioned in the summons, he shall be liable, on summary conviction, to a fine not exceeding fifty pounds:

Provided that no person giving evidence before the Committee shall be compellable to incriminate himself, and that every such person shall in respect of any evidence given by him or any document he is required to produce be entitled to all the privileges to which a witness in a trial before the Supreme Court is entitled in respect of evidence given by him or a document he is required to produce before such Court.

17. The Committee may allow any witness who has appeared at an inquiry such expenses as they may think fit, not exceeding the sum which could be allowed to such witness under the Supreme Court Rules. Orders for the payment of witnesses shall be made as nearly as may be as orders for the payment of witnesses in the Supreme Court. Expenses of witnesses.

18. The Committee may permit any person upon whose allegations an inquiry under this Ordinance has been instituted to be assisted by a legal practitioner in establishing the truth of his allegations, and shall permit the legal practitioner whose conduct is the subject matter of the inquiry to be similarly assisted in meeting the charges made against him. Legal assistance.

19. The Sheriff and every Deputy Sheriff shall at the request of the Chairman detail bailiffs or other officers for the serving of summonses on witnesses under the provisions of section 15. Service of witness summonses.

20. (1) The Committee on the termination of the inquiry shall embody their findings in the form of a report to the Supreme Court and the report shall be signed by the Chairman and filed in the office of the Master, and shall be open to inspection by the person preferring the allegations of misconduct and by the party charged and also by any legal practitioner assisting either of them, but shall not be open to public inspection. Committee to embody finding in report to Supreme Court.

(2) If the Committee are of the opinion that no *prima facie* case of misconduct has been made out they need not proceed further, but if they are of the contrary opinion it shall be their duty to bring the report before the Supreme Court together with the evidence taken and the documents put in evidence at the inquiry.

(3) No member of the Committee shall be liable to any action, suit or other proceeding for any matter or thing said or done by him as such member.

Powers of Supreme Court under following sections to be exercised by two Judges or by Chief Justice.

21. The powers conferred in the following sections of this Ordinance upon the Supreme Court shall be exercised by any two of the Judges of such Court or by the Chief Justice sitting alone.

Reference of report back to Committee.

22. The Supreme Court, after considering any report which shall have been brought to its notice under section 20 (2) of this Ordinance, may refer the report back to the Committee with directions for their finding on any specified point.

Consideration of the report by the Court.

23. The Supreme Court may set the report down for consideration for a date fourteen days notice of which shall be given to the Committee and to the legal practitioner concerned by the Master who shall forward with the notice a copy of the report. The notice aforesaid shall be in the form set out in the Second Schedule.

Representation by counsel, etc.

24. The Committee and the legal practitioner may appear by counsel or a solicitor before the Supreme Court at the consideration of the report.

Power of Court to admonish or suspend legal practitioner or strike his name off Roll of Court.

25. The Supreme Court after considering the evidence taken by the Committee and the report and after hearing any submission which may be made by the party charged and by the Committee or by the counsel or solicitor of either, and after taking any further evidence, if it thinks fit to do so, may admonish the legal practitioner or suspend him from practising within the jurisdiction of the Supreme Court during any specified period, or may order the Master to strike his name off the Roll of Court.

Disciplinary powers of Supreme Court apart from inquiry by the Committee.

26. (1) Notwithstanding that no inquiry may have been made by the Committee, the Supreme Court shall have power for reasonable cause to admonish any legal practitioner or to suspend him from practising within the jurisdiction of the Supreme Court during any specified period or may order the Master to strike his name off the Roll of Court.

(2) Any application to the Supreme Court to exercise the powers under sub-section (1) shall be made by motion in accordance with the Rules of Court.

27. Any order made by the Supreme Court under section 25 or 26 shall be appealable as a final decision of the Court determining a civil right above the value of five hundred pounds.

Appeal against orders made by Supreme Court.

28. Where the name of any legal practitioner is struck off the Roll of Court of the Supreme Court, or any legal practitioner is suspended from practising within the jurisdiction of the said Court, he shall be debarred, or debarred for the period of his suspension, as the case may be, from practising anywhere in Sierra Leone.

Effect of disciplinary action by Court.

29. (1) The costs of and incidental to all proceedings under section 25 or 26 shall be in the discretion of the Supreme Court.

Costs and expenses.

(2) On consideration of a report the Supreme Court may, without finding any misconduct proved against the legal practitioner, nevertheless order him to pay the costs of the proceedings, if having regard to his conduct and to all the circumstances of the case, it shall seem just to the Court so to do.

(3) Where the Committee has reported that there is no *prima facie* case of misconduct against a legal practitioner, he may apply to a Judge of the Supreme Court for an order that the person supporting the allegations of misconduct do pay the costs of the proceedings before the Committee as ascertained on taxation.

(4) Any expenses incurred by the Committee in carrying out the provisions of this Ordinance, or in supporting reports made by them before the Supreme Court, which cannot be recovered or are not recoverable under any of the preceding provisions of this section, shall be paid out of the general revenue of Sierra Leone by the Accountant General on a certificate by the Attorney General and on the warrant of the Governor.

FIRST SCHEDULE.

SUMMONS TO WITNESS.

In the matter of.....A.B.,.....a legal practitioner
and

In the matter of the Legal Practitioners (Disciplinary Committee)
Ordinance.

To.....C. D.¹

You are hereby summoned to attend before the Legal Practitioners
Disciplinary Committee at².....on the.....day of.....
19...., at the hour of.....and so from day to day until the above
matter is heard to give evidence respecting such matter and also to bring
with you and produce at the time and place aforesaid:—³

Given under my hand this.....day of.....19....

Attorney General
or
Solicitor General.

1 Name and address of person summoned.

2 Place.

3 Here specify the documents required.

Sec. 23.

SECOND SCHEDULE.

Notice of Day of Hearing of Report.

IN THE SUPREME COURT OF SIERRA LEONE.

In the matter of.....A.B.,.....a legal practitioner:
and

In the matter of the Legal Practitioners (Disciplinary Committee)
Ordinance.

To.....A.B.,.....of.....

Take notice that the report of the Legal Practitioners Disciplinary Com-
mittee in the above matter is set down for consideration by the Supreme
Court on the.....day of.....19...., at.....o'clock
in the forenoon.

A copy of the said report is attached hereto.

Dated the.....day of.....19....

Master and Registrar.